IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1310/2006

SUNIL RAJ Vs. JAIPUR VIDYUT VITRAN NIGAM LTD.

DATE: 04.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. N.K. Singhal for the petitioner.
Mr. Jainendra Jain, Public Prosecutor for the State.

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This revision petition is preferred against the order dated 20.09.2006 passed by the Special Judge (Electric) & A.D.J. No.1, Bharatpur, which is reproduced hereunder:-

> "वकील परिवादी उप. । अभियुक्त सुनील राज का जमानती उप.। पत्रावली का अवलोकन किया। मुकदमा दर्ज रजिस्टर हो। अभियुक्त सुनील राज को अन्तर्गत धारा 135 विद्युत दण्ड के अपराध का आरोप पर पथक से लिखाया जाकर सुनाया गया तो अभियुक्त ने उक्त अपराध को अस्वीकार किया एवं अन्वीक्षा चाही। न्यायालय में उपस्थित गवाह पी.डब्लू. 1 कमलसिंह का बयान वकील परिवादी ने कराया। शेष साक्ष्य हेतु वकील परिवादी ने अवसर चाहा। पत्रावली वास्ते साक्ष्य परिवादी दिनांक 10.10.06 को पेश हो।"

The petitioner submits that he has offered demand draft against the electricity bill and as per sub-clause (2) of Section 152 of the Electricity Act,

2003, on payment of the sum of money in accordance with sub-section (1), any person in custody in connection with that offence shall be set at liberty and no proceedings shall be instituted or continued against such consumer or person in any criminal court.

Be that as it may, at the time of cognizance this argument has not been advanced and now the petitioner is at liberty to make submissions before the trial Court to this effect and it is for the Court concerned to consider the same, but in any case, the impugned order dated 20.09.2006 at this stage requires no interference by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

/KKC/